IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1120 OF 2006
(For Leave to Appeal)
in
CRIMINAL APPEAL NO. OF 2006
(Against the order of acquittal)

The State of Maharashtra ..... Applicant.
(Original Complainant)

V/s

Jawahar Adinath Bondarde
and Anr. ..... Respondents.
(Orig. Accused Nos.1 & 2)

Mr. Y.M. Nakhawa, APP for the State.

None for respondents.

CORAM: V.M. KANADE, J.
DATE : 29th October, 2007

P.C.:

1. Heard Mr. Nakhawa, APP appearing on behalf of the State. By this application, State is seeking leave of this Court to file an appeal, challenging the Judgment and Order passed by the Chief Judicial Magistrate, Solapur dated 12/12/2005 whereby the learned Magistrate was pleased to acquit the accused of the offence punishable under sections 498-A, 323, 504, 506(II) read with section 34 of the Indian Penal

Code. The records and proceedings were called for. The learned APP has taken me through the notes of evidence and the impugned order passed by the Trial Court.

2. Brief facts in a nutshell are that the accused No.1 is the husband and the accused No.2 is the mother-in-law of the complainant. Accused No.1 and the complainant got married on 18/04/2003 according to Hindu Vedic Rites. It is alleged that the father of the complainant gave cash of Rs 25,000/-, one tola gold and household utensils at the time of marriage. It is alleged that soon after the marriage, the accused No.1 started ill-treating the complainant and used to abuse her in filthy language and he used to suspect her fidelity. It is further alleged that accused No.1 used to beat her continuously in day and night for about three months. It is further alleged that accused No.1 used to take the complainant on his motor-cycle and he used to stop his motor-cycle at some place and used to beat her. It is further alleged that the accused demanded Rs. 1.5 to 2 lakhs which he had spent for getting his job. He also used to give her blows over her stomach and pull her hairs. He further threatened her that she would be killed by the accused if she came with empty hands. The prosecution filed a charge-sheet and six witnesses were examined.

3. I have perused the evidence of these witnesses. It appears that the complainant has been improving his case before various forums. Whatever is stated by her in the

complaint to the police has not been mentioned in the maintenance application which she took out under section 125. All these contradictions have been brought on record. There is no material on record to indicate that, as a result of the continuous assault by the accused No.1 for three months, she had suffered any injury. The trial court, after having gone through the evidence on record, has held that the prosecution has not proved its case beyond the reasonable doubt and that the accused No.1 and 2 were entitled to be given a benefit of doubt. In my view, there is no infirmity in the said order. There is no reason to interfere with the aforesaid order. Hence leave is refused.

(V.M. KANADE, J.)